

21 C.J.S. Courts § 292

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Courts

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VIII. Concurrent and Conflicting Jurisdiction

B. State and United States Courts

4. Enjoining Proceedings in Other Court

a. In General

§ 292. Enjoining proceedings in other courts, generally

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  507, 508(1)

State courts are without power to restrain federal court in personam proceedings and, subject to certain narrow exceptions, the Anti-Injunction Act prohibits federal courts from enjoining proceedings in state courts.

Subject to certain narrow exceptions, the Anti-Injunction Act prohibits federal courts from enjoining proceedings in state courts.¹ Similarly, state courts are completely without power to restrain federal court proceedings in in personam actions,² regardless of whether the injunction is issued before or after the federal court filing,³ and even though the injunction is addressed to the parties or individual litigant rather than to the federal court itself.⁴

With respect to an in rem action, if a state court first obtains jurisdiction of the parties and the res, and the proceedings thereafter are begun in the federal court, the state court in the protection of its own jurisdiction may enjoin the parties from proceeding in the federal court.⁵

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Footnotes

- 1 § 293.
- 2 U.S.—Donovan v. City of Dallas, 377 U.S. 408, 84 S. Ct. 1579, 12 L. Ed. 2d 409 (1964); Gross v. Weingarten, 217 F.3d 208 (4th Cir. 2000); Meridian Investing & Development Corp. v. Suncoast Highland Corp., 628 F.2d 370 (5th Cir. 1980).
- Class action**
A state court having jurisdiction over a class action may not enjoin a parallel class action in federal court.
- U.S.—Harris v. Pernsley, 755 F.2d 338 (3d Cir. 1985).
- 3 U.S.—General Atomic Co. v. Felter, 434 U.S. 12, 98 S. Ct. 76, 54 L. Ed. 2d 199 (1977).
- 4 U.S.—Donovan v. City of Dallas, 377 U.S. 408, 84 S. Ct. 1579, 12 L. Ed. 2d 409 (1964).
- Fla.—Flagship Nat. Bank of Miami v. Gray Distribution Systems, Inc., 432 So. 2d 660 (Fla. 3d DCA 1983).
- Tex.—Ex parte Evans, 939 S.W.2d 142 (Tex. 1997).
- 5 U.S.—Gross v. Weingarten, 217 F.3d 208 (4th Cir. 2000).
- Nev.—Bergeron v. Loeb, 100 Nev. 54, 675 P.2d 397 (1984).
- N.J.—Aysseh v. Lawn, 180 N.J. Super. 391, 434 A.2d 1146 (Ch. Div. 1981).
- Receivership proceedings**
Where a state court receivership proceeding is pending, the state court may enjoin federal proceedings inextricably involving the receivership.
- Ala.—Moody v. State ex rel. Payne, 351 So. 2d 552 (Ala. 1977).